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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Michael James Huggins,

Petitioner,

vs.

Michael Martel, Warden of San

Quentin State Prison,

Respondent.

No. 4:06-cv-07254 YRG

Death-Penalty Case

Status Report

This Court stayed the above-captioned federal habeas corpus proceeding and held it in abeyance (ECF Doc. No. 48), pending exhaustion of Petitioner Michael Huggins' claims in state court. The Court ordered Huggins to file quarterly status reports, beginning September 30, 2013, in order to apprise the Court of the status of the state court proceedings. (*Id.*) In compliance with that order, Huggins submits the following report on the current status of the state proceedings.

On August 26, 2015, the California Supreme Court ordered the California Department of Corrections and Rehabilitation to show cause why Huggins should

1 not be resentenced to life without parole on the basis of his intellectual disability.
2 (*See* Attachment A, California Supreme Court, Case No. S213717, Docket). All
3 other claims from Huggins's state habeas petition were denied on the merits. The
4 Alameda County District Attorney was granted an extension of time to file the
5 return on the intellectual disability issue, and it is currently due in the Alameda
6 County Superior Court by November 23, 2015.

7 Huggins will submit further status reports pursuant to this Court's order.
8 The next status report is due on December 28, 2015.

9 Respectfully submitted this 28th day of September, 2015.

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11 JON M. SANDS
12 Federal Public Defender
13 District of Arizona
14 Dale A. Baich
15 David Christensen
16 Assistant Federal Public Defenders

17 By s/David Christensen
18 Counsel for Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2015, I electronically transmitted the foregoing Status Report to the Clerk's office using the CM/ECF System for filing.

I further certify that all participants in the case are registered SM/ECF users and that service will be accomplished by the CM/ECF system.

By s/ Chelsea Pitman
Legal Assistant
Capital Habeas Unit

Attachment A

Appellate Courts Case Information

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| Disposition | Parties and Attorneys | Lower Court |

Docket (Register of Actions)

HUGGINS (MICHAEL) ON H.C.
Case Number **S213717**

| Date | Description | Notes |
|------------|--|--|
| 10/01/2013 | Petition for writ of habeas corpus filed | Petitioner: Michael James Huggins Attorney: Federal Public Defender Arizona (12, 127 words; 52 pp.) |
| 10/07/2013 | Filed: | by petitioner, Corrected Certificate of Service, for petition for writ of habeas corpus and appendix and exhibits in support of the petition. |
| 10/07/2013 | Exhibit(s) filed | in support of petition for writ of habeas corpus and appendix. (1 vol.; appendices A & B; exhibits A-T) |
| 10/11/2013 | Informal response requested | Pursuant to rule 8.385(b) of the California Rules of Court the response is to be served upon petitioner and filed in this court on or before November 12, 2013. Petitioner will then have 30 days in which to serve and file a reply to the informal response. If service is by mail, the provisions of Code of Civil Procedure section 1013 are applicable. |
| 11/08/2013 | Request for extension of time filed | to file informal response. (1st request) |
| 11/12/2013 | Filed: | Letter, from Assistant Federal Public Defender, Golnoosh Farzaneh, dated October 29, 2013, advising petitioner was personally served a copy of the habeas corpus petition on October 1, 2013. |
| 11/12/2013 | Filed: | by respondent, "Supplemental Declaration (Regarding Target Date) in Support of Application and Declaration of Good Cause for Extension of Time to File Informal Response to the Petition for Writ of Habeas Corpus" |
| 11/19/2013 | Extension of time granted | Good cause appearing, and based upon Deputy Attorney General Allan Yannow's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by January 10, 2014, counsel's request for an extension of time in which to file that document is granted to January 10, 2014. After that date, no further extension is contemplated. |
| 01/07/2014 | Informal response filed | Non-Title Respondent: Department of Corrections and Rehabilitation Attorney: Attorney General - San Francisco Office (7, 035 words; 22 pp.) |
| 02/06/2014 | Received: | Reply to Informal Response to Petition for Writ of Habeas Corpus (not filed; not in compliance with CA Rules of Court) |

| | | |
|------------|---|--|
| 02/11/2014 | Reply to informal response filed | Petitioner: Michael James Huggins Attorney: Federal Public Defender Arizona (4, 895 words; 22 pp.) |
| 02/13/2014 | Filed: | by petitioner, amended certificate of service for reply to informal response |
| 03/13/2014 | Filed: | Letter, dated March 3, 2014, from the Federal Public Defender, advising their client has been served with a copy of the reply to the informal response on March 3, 2014 |
| 05/13/2014 | Filed: | by petitioner, Notice of Appearance of Counsel, advising Golnoosh Farzaneh, has resigned from the Arizona Office of the Federal Public Defender and David Christensen, Assistant Federal Defender is substituting as lead counsel. |
| 08/26/2015 | Order to show cause issued, returnable in Superior Court (Atkins claim) | The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause in the Alameda County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is intellectually disabled within the meaning of Atkins v. Virginia (2002) 536 U.S. 304, as alleged in Claim 1 of Huggins's second petition for writ of habeas corpus filed October 1, 2013. (See In re Hawthorne (2005) 35 Cal.4th 40.) The return is to be filed on or before September 25, 2015. Claims 2-4 are denied on the merits. Claim 2 is procedurally barred, separately and independently, because it was raised in Huggins's first habeas corpus petition (In re Miller (1941) 17 Cal.2d 734, 735), and, to the extent the claim is different from any prior claim, because it could have been but was not raised in his first habeas corpus petition (In re Clark (1993) 5 Cal.4th 750, 767-768). Claim 3 is procedurally barred, separately and independently, because it could have been but was not raised in Huggins's first habeas corpus petition. (Ibid.) Both claims 2 and 3 are also denied as untimely. (In re Robbins (1998) 18 Cal.4th 770, 780-781.) Votes: Cantil-Sakauye, C.J., Werdegarr, Chin, Corrigan, Liu, Cuéllar and Kruger, JJ. |
| 08/26/2015 | Note: | letter sent to the Hon. Winifred Smith, Presiding Judge of the Superior Court of Alameda County, regarding the Atkins order to show cause. |

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